

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 2551-69

C# M#

MAERTENS, et al.

Group Art Unit: 1648

Serial No. 09/995,860

Examiner: LI, BAO Q

Filed: November 29, 2001

Date: October 24, 2003

Title: PURIFIED HEPATITIS C VIRUS ENVELOPE PROTEINS FOR DIAGNOSTIC AND THERAPEUTIC USE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

OCT 29 2003

TECH CENTER 1600/2900

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 86.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$290.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$420.00/2 months; \$950.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$770.00) \$ 0.00

☐ Please enter the previously unentered , filed

☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: Response 0.00

TOTAL FEE ENCLOSED \$ 0.00

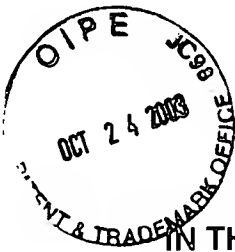
The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
BJS:plb

NIXON & VANDERHYE P.C.

By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



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In re Patent Application of

MAERTENS, et al.

Atty. Ref.: 2551-69; Confirmation No. 4135

Appl. No. 09/995,860

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Filed: November 29, 2001

Examiner: LI, BAO Q

For: PURIFIED HEPATITIS C VIRUS ENVELOPE PROTEINS FOR DIAGNOSTIC AND
THERAPEUTIC USE

* * * * *

October 24, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

Responsive to the Official Action dated September 24, 2003, the applicants elect, with traverse, the subject matter of the Examiner's Group I for further prosecution.

The restriction requirement is traversed and reconsideration of the same is requested as the Examiner has not indicated how the subject matter of the Examiner's Group I is separately patentable over the subject matter of the Examiner's Group II and/or Group III. The Examiner does indicate that Groups I-III are "unrelated" and that the subject matter of Group II and Group III are allegedly patentably distinct by merely repeating the recitations of claims 16 and 17.

The applicants respectfully submit that the Examiner has not justified the restriction requirement between the subject matter of Group I and the subject matter of

Group II or the subject matter of Group I and the subject matter of Group III. In fact, by requiring a restriction between the subject matter of Group I and, for example, the subject matter of Group II, the Examiner may be limiting the applicants opportunity to amend the claims during prosecution as, for example, the subject matter of claim 16 is an embodiment of the subject of claim 15. The Examiner's restriction requirement therefore may limit the applicants opportunity to reasonably amend the claims during prosecution. The applicants respectfully submit therefore that the subject matter of Group I be joined with the subject matter of Group II and, if the Examiner requires, separately, the subject matter of Group I be joined with the subject matter of Group III. In an effort to expedite prosecution, the applicants would, in such a reformatted restriction requirement, then elect, with traverse, the subject matter of a combined Group I and Group II of the Office Action dated September 24, 2003.

The traversal of this reformatted restriction requirement would be due to the fact that examination of all the claimed subject matter is not believed to be an undue burden on the Examiner.

The Examiner is further requested to rejoin claims to methods of using and/or making the elected product upon an indication of allowance of the product claims. The Examiner is requested to advise the undersigned at a reasonable time when allowable product claims are identified and that the method claims are being rejoined and similarly allowed.

The above is submitted to be completely responsive to the Office Action of September 24, 2003, however the Examiner is requested to advise the undersigned if anything further is required.

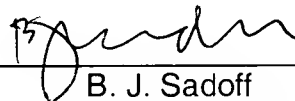
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Appl. No. 09/995,860
October 24, 2003

Acknowledgment of the applicants claimed for foreign and domestic priority and return of an initialed copy of the PTO-1449 Form filed August 3, 2003, are requested along with an early and favorable action on the merits.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



B. J. Sadoff
Reg. No. 36,663

BJS:plb
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100